REMARKS

Claims 1-53 remain in this application. Claims 1, 5-7, 9, 12, 15, 23, 27, 29, 33, 35, 37, 40, 48, 49, and 51 have been amended. Claims 2-4, 8, 10, 11, 13, 14, 16-22, 24-26, 28, 30-32, 34, 36, 38, 39, 41-47, 50, 52, and 53 remain unchanged. New claims 54 and 55 have been added. No new subject matter is believed to have been added by this Amendment.

In Section Number 2 of the Office Action the Examiner rejects claims 7, 23-26, 29, 35, 36, 51 and 52 under 35 U.S.C. §112, second paragraph as being indefinite. Claims 7, 23, 29, 35 and 51 have been amended to address these rejections and these amendments are also believed to remedy the rejections of the remaining claims.

In Section Number 4 of the Office Action, the Examiner rejects Claims 1, 2 and 4 under 35 U.S.C. §102(b) as being anticipated by the teaching of United States Patent Number 5,705,055 to Holloway, Jr. et al. (hereinafter the Holloway Patent). Briefly summarizing, the Holloway Patent is directed to an apparatus for automatically recovering grease from a grease separator using a grease depth signal probe 140 within a tank 12. When the grease probe 140 senses grease, heaters 122 and 124 heat the grease and a pump 110 extracts the grease upwardly from the tank 12 through a suction conduit 112 from an inlet end 114 within the grease. This system relies entirely upon the pump suction to remove grease from the tank and the pump operates for a predetermined period of time (see col 6, lines 8-9).

The Applicants' invention, on the other hand, is directed to a grease removal system having a tank with a discharge portal providing access through the grease trap tank outer wall and located to permit removal by gravity of liquid grease from the surface of effluent passing through the grease trap. Grease is removed by passing through the discharge portal without the need for a pump to lift the grease out. By eliminating the need for a pump, not only does the system require less power, but pump maintenance and replacement is no longer a problem. The device in accordance with the Holloway Patent cannot operate on gravity because the inlet end 114 of the suction conduit 112 extends downwardly into the grease.

Independent Claims 1, 27, 37 and 48 have been amended to highlight this feature. With respect to Claim 1 and the present rejection, the Applicants believe that Claim 1, as amended, is not anticipated by or made obvious from the teaching of the Holloway Patent and the discharge portal, in accordance with Claim 1, is located to permit removal by gravity of liquid grease, without the necessity of a pump. Therefore Claim 1 is believed to be patentably distinct

over the teaching of the Holloway Patent and the other prior art of record. By reason of their dependence upon what is believed to be patentably distinct Claim 1, Claims 2 and 4 are themselves believed to be patentably distinct.

In Section Number 5 of the Office Action, the Examiner rejects Claim 27 under 35 U.S.C. §102(b) as being anticipated by the teaching of the Holloway Patent. Claim 27 is a method Claim and has been amended in a manner similar to that of claim 1 to specify the gravity discharge by gravity of grease through the discharge portal. For reasons previously discussed with respect to claim 1, Claim 27 is also believed to be patentably distinct over the teaching of the Holloway Patent and the other prior art of record.

In Section Number 7 of the Office Action, the Examiner rejects claims 5, 6, 9 and 10 under 35 U.S.C. §103(a) as being obvious from the teaching of the Holloway Patent. By way of their dependence upon what is believed to be patentably distinct Claim 1, Claims 5, 6, and 9 are themselves believed to be patentably distinct over the other prior art of record.

In Section Number 8 of the Office Action, the Examiner rejects Claims 3, 18 and 22-26 under 35 U.S.C. §103(a) based upon the teaching of the Holloway Patent in view of the teaching of United States Patent Number 4,113, 617 to Bereskin, et al. (hereinafter the Bereskin Patent). The Applicants respectfully disagree that Claim 18 is made obvious by the teaching of these references. In particular, neither of these references teaches or suggests an intermediate baffle extending downwardly across the tank and between an inlet and an outlet grease baffle. Nevertheless, the Applicants believe that claims 3, 18 and 22-26 are patentably distinct over the prior art of record based upon their dependence upon patentably distinct Claim 1.

In Section Number 9 of the Office Action, the Examiner rejects claims 11 and 15 under 35 U.S.C. §103(a) as being obvious from the teaching of the Holloway Patent in view of the teaching of United States Patent Number 4,940,539 to Weber. By way of their dependence upon what is believed to be patentably distinct Claim 1, dependent Claims 11 and 15 are themselves believed to be patentably distinct over these references and the other prior art of record.

In Section Number 10, the Examiner rejects Claim 28 and 29 under 35 U.S.C. §103(a) as being obvious from the teaching of the Holloway Patent. By way of their dependence upon what is believed to be patentably distinct independent Claim 27, Claims 28 and 29 are themselves believed to be patentably distinct over this reference and the other prior art of record.

In Section Number 11, the Examiner rejects Claims 30 and 31 under 35 U.S.C. §103(a) as being obvious from the teaching of the Holloway Patent in view of the teaching of the Weber Patent. Once again, by way of their dependence upon what is believed to be patentably distinct Claim 27, dependent claims 30 and 31 are themselves believed to be patentably distinct.

In Section Number 12 of the Office Action, the Examiner rejects claims 37-41 and 43-47 under 35 U.S.C. §10(a) as being obvious from the teaching of the Holloway Patent. Claim 37 has been amended in a manner similar to that of claim 1 to specify the grease leaves the discharge portal by gravity, unlike the pumping arrangement disclosed in the Holloway Patent. For this reason, claim 37 is believed to be patentably distinct over the teaching of the Holloway Patent and the other prior art of record. By way of their dependence upon what is believed to be patentably distinct independent claim 37, dependent claims 38-41 and 43-47 are themselves believed to be patentably distinct.

In Section Number 13 of the Office Action, the Examiner rejects Claims 48-53 under 35 U.S.C §103(a) as being obvious from the teaching of the Holloway Patent. Claim 48 has been amended in a fashion similar to that of Claim 1 and therefore, for reasons similar to those put forth with respect to claim 1, is itself believed to be patentably distinct over the teaching of the Holloway Patent and the other prior art of record. By way of their dependence upon what is believed to be patentably distinct Claim 48, dependent claims 49-53 are themselves believed to be patentably distinct.

In Section Number 14 of the Office Action, the Examiner indicates that claims 8, 12-14, 16, 17, 19-21, 32-34 and 42 are objected to but would be allowable if rewritten in independent form. While the Applicants understand and agree with this, the Applicants also believe that the independent claims should each be allowable and therefore all of the dependent claims should be allowable as dependent upon allowable base Claims.

In Section Number 15 the Examiner indicates that Claims 35 and 36 would be allowable if rewritten overcome the 35 U.S.C. §112 rejections. Claim 35 has been rewritten to overcome these objections and Claims 35 and 36 are now believed to be allowable.

New Claims 54 and 55 have been added, wherein Claim 54 is a combination of originally filed Claims 1, 5, 6, and 7 while Claim 55 is a combination of Claims 1, 5, 6, and 8. The Examiner has indicated that both Claims 7 and 8 define over the prior art of record.

Reconsideration of Claims 1-53 and allowance of Claims 1-55 are respectfully

requested.

Respectfully submitted,

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